

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

SERTA SIMMONS BEDDING, LLC, et al.,

Debtors,

Chapter 11

Case No. 23-90020 (DRJ)
(Jointly Administered)

SERTA SIMMONS BEDDING, LLC, et al.,

Plaintiffs and Counterclaim Defendant,

v.

AG CENTRE STREET PARTNERSHIP L.P., et al.,

Defendants and Counterclaim Plaintiffs,

v.

AGF FLOATING RATE INCOME FUND, et al.,

Additional Counterclaim Defendants.

Adversary Proc. No. 23-09001 (DRJ)

JOINT NOTICE OF APPEAL

Part 1: Identity of the Appellants

1. Names of the appellants: AG Centre Street Partnership L.P., AG Credit Solutions Non-ECI Master Fund, L.P., AG Super Fund Master, L.P., AG SF Master (L), L.P., Silver Oak Capital, L.L.C., Ascribe III Investments, LLC, Columbia Cent CLO 21 Limited, Columbia Cent CLO 27 Limited, Columbia Floating Rate Fund, a series of Columbia Funds Series Trust II, Columbia Strategic Income Fund, a series of Columbia Funds Series Trust I, Contrarian Capital Fund I, L.P., Contrarian Distressed Debt Fund, L.P., Contrarian Centre Street Partnership, L.P., Gamut Capital SSB, LLC, North Star Debt Holdings, L.P., Shackleton 2013-III CLO, Ltd., Shackleton 2013-IV-R CLO, Ltd., Shackleton 2014-V-R CLO, Ltd., Shackleton 2015-VII-R CLO, Ltd., Shackleton 2017-XI CLO, Ltd., Z Capital Credit Partners CLO 2018-1 Ltd., and Z Capital Credit Partners CLO 2019-1 Ltd. (collectively, the “Excluded Lenders”).
2. Position of appellants in the adversary proceeding that is the subject of this appeal: Defendants and Counterclaim Plaintiffs.

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:
 - Final Judgment, Case No. 23-09001 (DRJ) ECF No. 328, to the extent it grants Plaintiffs' claim for declaratory judgment that the 2020 Transaction was permitted under the 2016 Credit Agreement and denies the Excluded Lenders' counterclaims for declaratory judgment and breach of the 2016 Credit Agreement.
 - Final Judgment, Case No. 23-90020 (DRJ) ECF No. 1070, to the extent it grants Plaintiffs' claim for declaratory judgment that the 2020 Transaction was permitted under the 2016 Credit Agreement and denies the Excluded Lenders' counterclaims for declaratory judgment and breach of the 2016 Credit Agreement.
2. State the date on which the judgment, order, or decree was entered: June 14, 2023

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Excluded Lenders Appellants

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2. Appellees:

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Appellees:

Barings LLC

Boston Management and Research

Credit Suisse Asset Management, LLC

Eaton Vance Management

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Invesco Senior Secured Management, Inc.

-and-

Eaton Vance CLO 2013-1 LTD

Eaton Vance CLO 2014-1R, Ltd

Eaton Vance CLO 2015-1, Ltd

Eaton Vance CLO 2018-1, Ltd

Eaton Vance CLO 2019-1, Ltd

Eaton Vance Floating Rate Income Trust

Eaton Vance Floating Rate Portfolio

Eaton Vance Institutional Senior Loan Plus Fund

Eaton Vance Limited Duration Income Fund

Eaton Vance Senior Floating-Rate Trust

Eaton Vance Senior Income Trust

Eaton Vance Short Duration Diversified Income Fund

Eaton Vance VT Floating Rate Income Fund

Senior Debt Portfolio

Calvert Management Series - Calvert Floating-Rate Advantage Fund

AGF Floating Rate Income Fund

Bentham Strategic Loan Fund

Bentham Syndicated Loan Fund

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM

Copperhill Loan Fund I, LLC

Credit Suisse Floating Rate High Income Fund

Credit Suisse Floating Rate Trust

CREDIT SUISSE NOVA (LUX)

Credit Suisse Strategic Income Fund

DaVinci Reinsurance Ltd

DOLLAR SENIOR LOAN FUND, LTD.

DOLLAR SENIOR LOAN MASTER FUND II, LTD.

ERIE INDEMNITY COMPANY

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ERIE INSURANCE EXCHANGE

Inflation Protection Fund-I Series

MADISON FLINTHOLM SENIOR LOAN
FUND I DAC

MADISON PARK FUNDING X, LTD.

MADISON PARK FUNDING XI, LTD.

Madison Park Funding XII, Ltd.

Madison Park Funding XIII, Ltd.

MADISON PARK FUNDING XIV, LTD.

MADISON PARK FUNDING XIX, LTD.

MADISON PARK FUNDING XL LTD

MADISON PARK FUNDING XLI, LTD

MADISON PARK FUNDING XLII, LTD.

Madison Park Funding XLIII, Ltd.

Madison Park Funding XLIV, Ltd.

Madison Park Funding XV, Ltd.

MADISON PARK FUNDING XVI, LTD.

MADISON PARK FUNDING XVII, LTD.

MADISON PARK FUNDING XVIII, LTD.

MADISON PARK FUNDING XX, LTD.

MADISON PARK FUNDING XXI, LTD.

MADISON PARK FUNDING XXII, LTD.

MADISON PARK FUNDING XXIII, LTD.

MADISON PARK FUNDING XXIV, LTD.

Madison Park Funding XXIX, Ltd.

MADISON PARK FUNDING XXV LTD

MADISON PARK FUNDING XXVI, LTD.

Madison Park Funding XXVII, Ltd.

MADISON PARK FUNDING XXVIII LTD

Madison Park Funding XXX, Ltd.

Madison Park Funding XXXI, Ltd.

Madison Park Funding XXXII, Ltd.

Madison Park Funding XXXIV, Ltd.

Madison Park Funding XXXV, Ltd.
Madison Park Funding XXXVII, Ltd.
Maryland State Retirement And Pension
System
PHILLIPS 66 RETIREMENT PLAN TRUST
PK-SSL Investment Fund Limited Partnership
Renaissance Investment Holdings Ltd
Telstra Superannuation Scheme
Wespath Funds Trust
Wind River Fund LLC
Arrowood Indemnity Company and Arrowood
Indemnity Company, As Administrator Of
The Pension Plan Of Arrowood Indemnity
Babson CLO LTD. 2014-I
Barings BDC Senior Funding I, LLC
Barings BDC, Inc.
BARINGS CLO LTD. 2013-I
BARINGS CLO LTD. 2015-I
BARINGS CLO LTD. 2015-II
Barings CLO Ltd. 2016-I
BARINGS CLO LTD. 2016-II
Barings CLO Ltd. 2017-I
Barings CLO Ltd. 2018-I
Barings CLO Ltd. 2018-III
Barings CLO Ltd. 2018-IV
Barings CLO Ltd. 2019-II
BARINGS GLOBAL HIGH YIELD CREDIT
STRATEGIES LIMITED
Barings Global Loan and High Yield Bond
Limited
BARINGS GLOBAL LOAN LIMITED
BARINGS GLOBAL MULTI-CREDIT
STRATEGY 3 LIMITED

BARINGS GLOBAL MULTI-CREDIT
STRATEGY 4 LIMITED

BARINGS GLOBAL SPECIAL
SITUATIONS CREDIT 3 S.A R.L.

Barings Segregated Loans 3 S.a.r.l

Barings U.S. Loan Limited

CROWN MANAGED ACCOUNTS SPC-
CROWN/BA 2 SP

Jocassee Partners LLC

Serengeti (Loan Fund), a series trust of the
Multi Strategy Umbrella Fund Cayman

First Eagle Bank Loan Select Master Fund

KVK CLO 2013-1, Ltd.

KVK CLO 2016-1 Ltd.

Stichting Pensioenfonds Hoogovens

Wind River 2012-1 CLO Ltd.

Wind River 2013-1 CLO Ltd.

Wind River 2013-2 CLO Ltd.

Wind River 2014-1 CLO Ltd.

Wind River 2014-2 CLO Ltd.

Wind River 2014-3 CLO Ltd.

Wind River 2014-3K CLO Ltd.

Wind River 2015-1 CLO Ltd.

Wind River 2015-2 CLO Ltd.

Wind River 2016-1 CLO Ltd.

Wind River 2016-2 CLO Ltd.

Wind River 2017-1 CLO Ltd.

Wind River 2017-4 CLO Ltd.

Wind River 2018-3 CLO Ltd.

Wind River 2019-3 CLO Ltd.

Staniford Street CLO Ltd.

Russell Floating Rate Fund

Annisa CLO, Ltd.

Betony CLO 2, LTD.
Carbone CLO, Ltd
DIVERSIFIED CREDIT PORTFOLIO LTD
HarbourView CLO VII-R, Ltd.
INVESCO BL FUND, LTD.
INVESCO DYNAMIC CREDIT
OPPORTUNITIES FUND
Invesco Floating Rate Fund
INVESCO FLOATING RATE INCOME
FUND
Invesco Gemini US Loan Fund LLC
Invesco Oppenheimer Fundamental
Alternatives Fund
Invesco Oppenheimer Master Loan Fund
Invesco Oppenheimer Senior Floating Rate
Fund
INVESCO SENIOR INCOME TRUST
INVESCO SENIOR LOAN FUND
INVESCO ZODIAC FUNDS - INVESCO US
SENIOR LOAN ESG FUND
INVESCO ZODIAC FUNDS - INVESCO US
SENIOR LOAN FUND
Milos CLO, Ltd.
Recette CLO Ltd.
Riserva CLO Ltd.
SENTRY INSURANCE COMPANY
Upland CLO, Ltd.
Oaktree Opportunities Fund X Holdings
(Delaware), L.P.
Oaktree Opportunities Fund Xb Holdings
(Delaware), L.P.
Oaktree Opps X Holdco Ltd.
Dryden 49 Senior Loan Fund
Dryden 50 Senior Loan Fund
Dryden 55 CLO, Ltd.

Dryden 58 CLO, Ltd.
Dryden 60 CLO, Ltd.
Dryden 64 CLO, Ltd.
Dryden 75 CLO, Ltd.
Newark BSL CLO 1, Ltd.
Newark BSL CLO 2, Ltd.
Dryden 30 Senior Loan Fund
Dryden 33 Senior Loan Fund
Dryden 36 Senior Loan Fund
Dryden 37 Senior Loan Fund
Dryden 38 Senior Loan Fund
Dryden 40 Senior Loan Fund
Dryden 41 Senior Loan Fund
Dryden 42 Senior Loan Fund
Dryden 43 Senior Loan Fund
Dryden 45 Senior Loan Fund
Dryden 47 Senior Loan Fund
Dryden 53 CLO, Ltd.
Dryden 54 Senior Loan Fund
Dryden 57 CLO, Ltd.
Dryden 61 CLO, Ltd.
Dryden 65 CLO, Ltd.
Dryden 70 CLO, Ltd.
Dryden XXV Senior Loan Fund
Dryden XXVI Senior Loan Fund
Dryden XXVIII Senior Loan Fund
Venture XIX CLO, Limited
Venture 28A CLO, Limited
Venture 31 CLO, Limited
Venture 32 CLO, Limited
Venture 33 CLO, Limited
Venture 35 CLO, Limited

Venture XIII CLO, Limited

Venture XIV CLO, Limited

Venture XV CLO, Limited

Venture XVII CLO, Limited

Venture XVIII CLO, Limited

Venture XXI CLO, Limited

Venture XXII CLO, Limited

Venture XXIII CLO, Limited

Venture XXIV CLO, Limited

Venture XXIX CLO, Limited

Venture XXV CLO, Limited

Venture XXVII CLO, Limited

Venture XXVIII CLO, Limited

Venture XXX CLO, Limited

ABR Reinsurance LTD

BlackRock Credit Strategies Income Fund of
BlackRock Funds V

BLACKROCK DEBT STRATEGIES FUND,
INC.

BlackRock Floating Rate Income Portfolio of
BlackRock Funds V

Blackrock Floating Rate Income Strategies
Fund, Inc

BLACKROCK FLOATING RATE INCOME
TRUST

BlackRock Multi-Asset Income Portfolio of
BlackRock Funds II

Blackrock Global Investment Series: Income
Strategies Portfolio

BLACKROCK LIMITED DURATION
INCOME TRUST

BLACKROCK SENIOR FLOATING RATE
PORTFOLIO

FIXED INCOME OPPORTUNITIES NERO,
LLC

JPMBI Re Blackrock Bankloan Fund

MAGNETITE VII, LIMITED

MAGNETITE VIII, LIMITED

Magnetite XII, Limited

MAGNETITE XIV-R, LIMITED

Magnetite XIX, Limited

MAGNETITE XV, LIMITED

MAGNETITE XVI, LIMITED

MAGNETITE XVII, LIMITED

MAGNETITE XVIII, LIMITED

Magnetite XX, Limited

NC GARNET FUND, L.P.

BAYCITY ALTERNATIVE INVESTMENT
FUNDS SICAV-SIF - BAYCITY US
SENIOR LOAN FUND

BAYCITY SENIOR LOAN MASTER FUND
LTD.

CALIFORNIA STREET CLO IX LIMITED
PARTNERSHIP

California Street CLO XII, Ltd.

MENARD, INC

MUNICIPAL EMPLOYEES' ANNUITY
AND BENEFIT FUND OF CHICAGO

Nuveen Diversified Dividend And Income
Fund

NUVEEN FLOATING RATE INCOME
FUND

NUVEEN FLOATING RATE INCOME
OPPORTUNITY FUND

NUVEEN SENIOR INCOME FUND

Nuveen Short Duration Credit Opportunities
Fund

Nuveen Symphony Floating Rate Income
Fund

PENSIONDANMARK
PENSIONSFORSIKRINGSAKTIESELSKAB

PRINCIPAL DIVERSIFIED REAL ASSET
CIT

PRINCIPAL FUNDS, INC. - DIVERSIFIED
REAL ASSET FUND

SCOF-2 LTD.

Symphony CLO XIV, Ltd.

Symphony CLO XIX, Ltd.

Symphony CLO XV, Ltd.

SYMPHONY CLO XVI, LTD.

SYMPHONY CLO XVII, LTD.

Symphony CLO XX, Ltd.

Symphony Floating Rate Senior Loan Fund

TCI-SYMPHONY CLO 2016-1 LTD.

TCI-SYMPHONY CLO 2017-1 LTD.

TAO Fund, LLC

ELEVATION CLO 2013-1, LTD.

ELEVATION CLO 2014-2, LTD.

ELEVATION CLO 2016-5, LTD.

ELEVATION CLO 2017-6, LTD.

ELEVATION CLO 2017-7 LTD

ELEVATION CLO 2017-8, LTD

ELEVATION CLO 2018-9 LTD

Elevation CLO 2018-10, Ltd.

Peaks CLO 3, Ltd.

MP CLO VII, LTD.

MP CLO III, LTD.

MP CLO IV, LTD.

MP CLO VIII, LTD.

MARBLE POINT CLO X LTD

MARBLE POINT CLO XI LTD

MARBLE POINT CLO XII LTD

Marathon CLO IX Ltd.

Marathon CLO V Ltd.

Marathon CLO VII Ltd.
Marathon CLO VIII Ltd.
Marathon CLO X Ltd.
Marathon CLO XI Ltd.
KP Fixed Income Fund
ONE ELEVEN FUNDING I LTD
One Eleven Funding II, Ltd
First Eagle Senior Loan Fund (FSLF)
KVK CLO 2018-1 Ltd.
Venture XII CLO, Limited
Venture XVI CLO, Limited
Venture XX CLO, Limited
ELEVATION CLO 2015-4, LTD
Eaton Vance Floating-Rate 2022 Target Term
Trust
Eaton Vance Floating-Rate Income Plus Fund
Invesco Oppenheimer Senior Floating Rate
Plus Fund

3. Other Interested Parties:

LCM XXII LTD.
LCM XXIII LTD.
LCM XXIV Ltd.
LCM XXV LTD.
LCM 26 LTD.
LCM 27 LTD.
LCM 28 LTD.

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Dated: June 21, 2023
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Respectfully submitted,

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Attorneys for the Excluded Lenders

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Appeal and Statement of Election was served by electronic delivery on all persons and entities receiving ECF notice on June 21, 2023.

/s/ M. Shane Johnson
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